

## 2011 DRAFTING REQUEST

### Bill

Received: 05/04/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Bill Kramer (608) 266-8580

By/Representing: Cameron

May Contact:

Drafter: tkuczens

Subject: Courts - civil procedure

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kramer@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Change venue in actions and appeals in which the sole defendant is the state or a state board or officer

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 05/04/2011	jdye 05/05/2011		_____			S&L
/P1	tkuczens 05/05/2011	kfollett 05/05/2011	rschluet 05/05/2011	_____	sbasford 05/05/2011		S&L
/1			rschluet 05/05/2011	_____	lparisi 05/05/2011	lparisi 05/05/2011	

FE Sent For:

at  
intro

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/P1		11/5/11 5/5	rschluet 05/05/2011		sbasford 05/05/2011		

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## Kuczenski, Tracy

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**From:** Kuczenski, Tracy  
**Sent:** Wednesday, May 04, 2011 10:10 AM  
**To:** Sholty, Cameron  
**Cc:** David, Curt  
**Subject:** New proposal

Hi Cameron –

I will try to get to this today.

Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
tracy.kuczenski@legis.wisconsin.gov  
(608) 266-9867

---

**From:** Sholty, Cameron  
**Sent:** Wednesday, May 04, 2011 9:39 AM  
**To:** Kuczenski, Tracy  
**Cc:** David, Curt  
**Subject:** RE: Re: LRB-1752

Good morning, Tracy.

We have a new idea...

1. We'll need a new draft number.
2. The premise is the same, but instead of statutorily directing to a particular Circuit Court:
  - a. Any Circuit Court can be used and the plaintiff can choose the Circuit Court (County)
  - b. Any appeal must be in a district that IS NOT comprised of the Circuit Court in which the matter was originally tried/adjudicated in.

Who selects the court of appeals district?

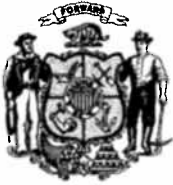
I apologize for being so needy, but we are in a bit of a rush on this.

Per Cameron: the appellant.

Thanks so much for your help.

C

ch. 752 Court of Appeals  
s. 752.21



State of Wisconsin  
2011 - 2012 LEGISLATURE

2031/P1



LRB-175273  
TKKild&kj:jf

RMNR

insert

Keep

2011 BILL

5/4/11

Wanted 5/5/11 pm

- X
- Reyen
- and appeals
- 1 AN ACT *to amend* 801.50 (3) of the statutes; **relating to:** venue for actions
- 2 which the sole defendant is the state, a state board or commission, or certain
- 3 state officers, employees, or agents.

***Analysis by the Legislative Reference Bureau***

Under current law, all actions in which the sole defendant is the state, a state board or commission, or certain state officers, employees, or agents must be brought in Dane County. This bill requires such actions to be brought in Marathon County, Brown County, or any of the counties in the court of appeals, Districts I and II.

District I consists of the judicial circuit for Milwaukee County. District II consists of the judicial circuits for Kenosha, Racine, Walworth, Waukesha, Washington, Ozaukee, Sheboygan, Manitowoc, Fond du Lac, Green Lake, Winnebago, and Calumet counties.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- Insert analysis
- Insert 1-4
- 4 SECTION 1. 801.50 (3) of the statutes is amended to read:
- 5 801.50 (3) All actions in which the sole defendant is the state, any state board
- 6 or commission, or any state officer, employee, or agent in an official capacity shall be

# BILL

the county designated by  
a the plaintiff

## SECTION 1

venued in Dane Marathon County, Brown County, or any one of the counties lying within District I or II of the court of appeals, unless another venue is specifically authorized by law.

## SECTION 2. Initial applicability.

(1) This act first applies to actions commenced on the effective date of this subsection.

(END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2031/?ins  
TKK:.....

1 **Insert analysis**

- \* (NO) permits the plaintiff to designate the county within which to bring the action. ✓  
\* Under current law, the state is divided into 10 judicial administrative districts; ✓  
each judicial administrative district is comprised of one or more judicial circuits, or ✓  
counties, containing branches of the circuit courts. ✓ The state is also divided into four ✓  
court of appeals districts, comprised of one or more judicial circuits. ✓ Currently, an ✓  
appeal of a judgment or order issued by a circuit court must be heard in the court ✓  
of appeals district within which the circuit court is located. ✓ This bill permits the ✓  
appellant to select the court of appeals district within which to bring the appeal, but ✓  
the court of appeals district must not contain the circuit court from which the ✓  
judgment or order was issued. ✓ (end insert analysis)

2 **Insert 1-4**

3 **SECTION 1.** 752.21 of the statutes is renumbered 752.21 (1) and amended to  
4 read:

5 752.21 **Venue.** (1) ~~A~~ Except as provided in sub. (2), a judgment or order  
6 appealed to the court of appeals shall be heard in the court of appeals district which  
7 contains the court from which the judgment or order is appealed.

8 History: 1977 c. 187.

**SECTION 2.** 752.21 (2) of the statutes is created to read:

9 752.21 (2) A judgment or order appealed from an action venued in a county  
10 designated by the plaintiff to the action as provided under s. 801.50 (3) shall be heard  
11 in a court of appeals district selected by the appellant but the court of appeals district  
12 may not be the court of appeals district ~~which~~ <sup>e that</sup> contains the court from which the  
13 judgment or order is appealed.

(end ins 1-4)





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2031/P1

TKK:jld&kjf:rs

Stays RM/R

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

5/5/11

Today

Reyen

- 1 AN ACT *to renumber and amend* 752.21; *to amend* 801.50 (3); and *to create*  
2 752.21 (2) of the statutes; **relating to:** venue for actions and appeals in which  
3 the sole defendant is the state, a state board or commission, or certain state  
4 officers, employees, or agents.

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***Analysis by the Legislative Reference Bureau***

Under current law, all actions in which the sole defendant is the state, a state board or commission, or certain state officers, employees, or agents must be brought in Dane County. This bill permits the plaintiff to designate the county within which to bring the action.

Under current law, the state is divided into ten judicial administrative districts; each judicial administrative district is comprised of one or more judicial circuits, or counties, containing branches of the circuit courts. The state is also divided into four court of appeals districts, comprised of one or more judicial circuits. Currently, an appeal of a judgment or order issued by a circuit court must be heard in the court of appeals district within which the circuit court is located. This bill permits the appellant to select the court of appeals district within which to bring the appeal, but the court of appeals district must not contain the circuit court from which the judgment or order was issued.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 752.21 of the statutes is renumbered 752.21 (1) and amended to read:

752.21 (1) ~~A. Except as provided in sub. (2), a judgment or order appealed to the court of appeals shall be heard in the court of appeals district which contains the court from which the judgment or order is appealed.~~

**SECTION 2.** 752.21 (2) of the statutes is created to read:

752.21 (2) A judgment or order appealed from an action venued in a county designated by the plaintiff to the action as provided under s. 801.50 (3) shall be heard in a court of appeals district selected by the appellant but the court of appeals district may not be the court of appeals district that contains the court from which the judgment or order is appealed.

**SECTION 3.** 801.50 (3) of the statutes is amended to read:

801.50 (3) All actions in which the sole defendant is the state, any state board or commission, or any state officer, employee, or agent in an official capacity shall be venued in ~~Dane County~~ the county designated by the plaintiff unless another venue is specifically authorized by law.

#### SECTION 4. Initial applicability.

(1) This act first applies to actions commenced on the effective date of this subsection.

(END)

**Kuczenski, Tracy**

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**From:** Sholty, Cameron  
**Sent:** Thursday, May 05, 2011 3:00 PM  
**To:** Kuczenski, Tracy  
**Cc:** Lundie, Shawn; Reader, Chris  
**Subject:** FW: Draft review: LRB 11-2031/P1 Topic: Change venue in actions and appeals in which the sole defendant is the state or a state board or officer  
**Attachments:** LRB-2031\_P1

Tracy –

Can you prepare this bill for introduction? Thanks.

I'm also cc'ing Shawn Lundie in Senator Zipperer's office who I believe may be interested in working on a companion bill. You can cc: him on all subsequent communications on this bill.

Thanks for all your work on this.

C

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**From:** Basford, Sarah  
**Sent:** Thursday, May 05, 2011 11:58 AM  
**To:** Rep.Kramer  
**Subject:** Draft review: LRB 11-2031/P1 Topic: Change venue in actions and appeals in which the sole defendant is the state or a state board or officer

**Following is the PDF version of draft LRB 11-2031/P1.**

**Basford, Sarah**

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**From:** Sholty, Cameron  
**Sent:** Thursday, May 05, 2011 3:41 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2031/1 Topic: Change venue in actions and appeals in which the sole defendant is the state or a state board or officer

Please Jacket LRB 11-2031/1 for the ASSEMBLY.